

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: QWEST CORPORATION	DOCKET NO. RPU-01-6
---------------------------------	---------------------

**ORDER IDENTIFYING ISSUES TO BE DECIDED ON APPEAL
AND ESTABLISHING BRIEFING SCHEDULE**

(Issued April 25, 2002)

On June 22, 2001, Qwest Corporation (Qwest) filed with the Utilities Board (Board) proposed prices for wholesale services and unbundled network elements (UNEs). The Board docketed the filing for investigation and assigned the matter to an administrative law judge for issuance of a proposed decision and order. On March 25, 2002, the administrative law judge issued a proposed decision and order regarding the only disputed elements in Qwest's filing: The wholesale prices Qwest may charge for the high frequency part of the unbundled loop (HFPL) and to recover the reasonable costs Qwest incurred in modifying its operational support systems (OSS) to provide for line sharing. The proposed decision and order set the recurring monthly charge for the HFPL at \$0 and the recurring monthly charge for OSS modification cost recovery at \$1.02.

On April 5, 2002, Qwest filed a notice of appeal of the proposed decision and order, pursuant to 199 IAC 7.8(2). Qwest identifies two issues to be presented for review by the Board:

1. Should the recurring monthly charge for the HFPL be a positive number (specifically \$5.00) rather than zero?
2. Should the recurring monthly charge for recovery of Qwest's expenses for OSS modifications due to line sharing be \$3.41 rather than \$1.02?

Qwest asks that the Board stay the rulings in the proposed decision and order pending a final decision by the Board and, in that final decision, set recurring monthly charges as proposed by Qwest. Qwest does not request additional briefing or oral argument in support of its appeal, but reserves its right to seek further briefing or oral argument if any other party requests either or both.

On April 19, 2002, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a reply to Qwest's notice of appeal, arguing the proposed decision and order is lawful and reasonable and should be affirmed without modification. Consumer Advocate requests the opportunity to brief the issues.

Pursuant to 19 IAC 7.8(2)(d), within 20 days after the filing of the notice of appeal the Board must issue an order identifying the issues to be decided on appeal. The Board hereby identifies the issues to be decided on appeal as those issues identified by Qwest in its notice of appeal and establishes a briefing schedule.

IT IS THEREFORE ORDERED:

1. Pursuant to 199 IAC 7.8(2)"d," the Board identifies the issues to be decided in this appeal as follows:

- a. Should the recurring monthly charge for the HFPL be a positive number (specifically \$5.00) rather than zero?
 - b. Should the recurring monthly charge for recover of Qwest's expenses for OSS modifications due to line sharing be \$3.41 rather than \$1.02?
2. The proposed decision and order issued in this docket on March 25, 2002, is stayed pending the Board's decision on the issues identified above.
3. The following briefing schedule is established:
 - a. The parties may file initial briefs on or before May 9, 2002.
 - b. The parties may file reply briefs on or before May 23, 2002.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 25th day of April, 2002.